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CLIENT/MATTER NUMBER
023234-0102

July 16, 2004

Honorable Judge Mark Wolf
U.S. District Court
District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way
Suite 2300
Boston, Massachusetts 02210

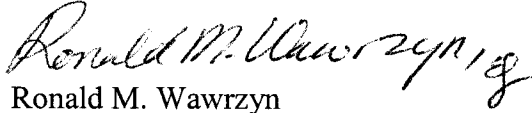
Re: Serono, Inc. v. Ferring Pharmaceuticals, Inc.
Civil Action No.: 02:11832 MLW (D. Mass)

Honorable Judge Wolf:

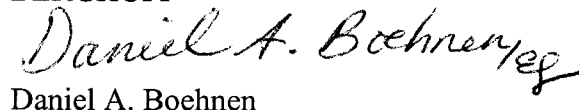
The undersigned counsel of record for Ferring Pharmaceuticals, Inc. and Serono, Inc. hereby report to the Court regarding the settlement discussions held by the parties. The settlement discussions are continuing in a positive environment, and the parties expect the negotiations will continue through the months of July and August. As the Court probably knows, however, European countries slow down and European companies tend to shut down during the months of July and August. Accordingly, the undersigned are attaching a proposed scheduling order which would contemplate that discovery recommences on September 20, 2004, in the event that the parties are not successful in settling the case.

The undersigned also believe that it is premature to engage in nonbinding mediation, given the continued settlement discussions.

Very truly yours,
FOLEY & LARDNER


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WEST PALM BEACH

001.1664981.1

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SERONO, INC.

Plaintiff

v.

FERRING PHARMACEUTICALS, INC.

Defendant

CIVIL ACTION NO. 02-11832MLW

ORDER EXTENDING SCHEDULED DATES

The following deadlines are hereby set:

- | | |
|----------------------------|---|
| September 20, 2004: | Fact discovery reopened |
| December 31, 2004: | Deadline for supplementing identification of testifying expert witnesses (initial and rebuttal). Deadline for serving all non-expert (factual) discovery requests, i.e. interrogatories, document requests, admission requests, and/or request for factual depositions. |
| January 31, 2005: | Deadline for all factual depositions. |
| February 28, 2005: | Deadline for service of expert witness reports with respect to all issues for which a party bears the burden of proof. |
| March 31, 2005: | Deadline for service of opposition expert witness reports with respect to all issues for which a party does not bear the burden of proof. |
| April 30, 2005: | The parties should contact the Court about settlement conference. |
| May 31, 2005: | Deadline for completion of expert witness depositions. |
| June 14, 2005: | Deadline for requesting permission to file dispositive motions. If request is granted, the Court will set a briefing schedule for such motions. |

August 31, 2005: Final pretrial conference.

October 10, 2005: TRIAL-READY DATE

SO ORDERED:

Wolf, J.

Dated: _____